

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 799

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 18, 2015

An act to amend Sections 5055, 5070.1, 5087, 6735, 7083, 7200, 7200.5, 7200.7, 7201, 7202, 7208, 7209, 7209.5, 7210.5, 7211.1, 7211.2, 7215, 7215.5, 7217, 7685, 7818, 8508, 8513, 8552, 8611, and 17913 of, and to repeal Section 8516.5 of, the Business and Professions Code, and to amend Section 13995.40 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 799, as amended, Committee on Business, Professions and Economic Development. Business and professions.

(1) *Existing law provides for the practice of accountancy by the California Board of Accountancy. Existing law, until January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license subject to specified requirements. Existing law provides that an accountant whose license was canceled by operation of law, after nonrenewal, as specified, may, upon application to the board and meeting specified requirements, have his or her license placed into a retired status.*

This bill would *authorize an individual practicing public accountancy in this state under a practice privilege to be styled and known as a “certified public accountant” and use the abbreviation “C.P.A.”* The bill would prohibit the ~~California Board of Accountancy~~ board from restoring that license in retired status to active or inactive status and instead would require the individual to apply for a new license in order to restore his or her license.

(2) Existing law authorizes the ~~California Board of Accountancy~~ board to issue a certified public ~~account~~ accountant (CPA) license to an applicant who holds a valid and unrevoked CPA license in another state, under specified conditions.

This bill would require that an out-of-state applicant hold a current, active, and unrestricted CPA license in order to be issued a CPA license under this provision.

(3)

(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. A violation of the licensing provisions of the act is a misdemeanor. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures to be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer. The bill would also repeal the requirements that all civil engineering plans and other specified documents for construction of specified hospital and medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.

(4)

(3) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which consists of 7 members appointed by the Governor. Existing law authorizes the board to issue licenses for guide dog training and instructional services. A violation of these licensing provisions is a misdemeanor.

This bill would also include dogs trained and provided for visually impaired persons within these licensing requirements. The bill would change reporting requirements from a calendar year to a fiscal year period and would make technical changes.

~~(5)~~

(4) Under the Funeral Directors and Embalmers Law, the Cemetery and Funeral Bureau regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral goods and services and prices to consumers. Existing law requires a funeral establishment that maintains an Internet Web site to also post that information on its Internet Web site provided by a link from the homepage. A violation of these provisions is a misdemeanor.

This bill would require that the funeral establishment's Internet Web site contain specified key words.

~~(6) The~~

(5) *Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board. The California Constitution provides that laborers of every class who have worked upon or have furnished material for a property have a lien upon that property for the value of the labor done and material furnished. The California Constitution requires the Legislature to provide, by law, for the speedy and efficient enforcement of those liens. Existing law requires specified-structural pest control operators registered companies to provide notice regarding possible liens, as specified, to the owner of property prior to entering into a contract to provide work on that property. A violation of these provisions is a misdemeanor.*

This bill would extend the notice requirements to all-structural pest control operators: *registered companies*.

~~(7) Existing~~

Existing law requires a structural pest control operator to provide a report detailing the results of an inspection for wood destroying pests or organisms prior to commencing work on a contract or expressing an opinion regarding the presence or absence of wood destroying pests or

organisms, to the Structural Pest Control Board, within the Department of Consumer Affairs, as specified. Existing law requires that the pest control operator deliver a copy of the report to the person requesting inspection, or designated agent, within 10 business days of the inspection. Existing law requires a pest control operator to deliver a copy of that report to the owner or the owner's agent within 10 working days of an inspection.

This bill would remove the requirement that the pest control operator provide the owner of the property or the owner's agent with a copy of the report, unless the owner was the person who requested the inspection.

(8)

(6) Existing law creates the California Travel and Tourism Commission and provides for the membership and meetings of the commission.

This bill would specify that all meetings of the commission take place in California and would authorize commissioners to attend meetings of the commission by conference telephone or other ~~technology~~, as specified. *technology*.

(7) *This bill would make various other nonsubstantive changes.*

(9)

(8) Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5055 of the Business and Professions
2 Code is amended to read:

3 5055. Any person who has received from the board a certificate
4 of certified public ~~accountant~~ *accountant*, or who is authorized to
5 practice public accountancy in this state pursuant to Article 5.1
6 (commencing with Section 5096), may, subject to Section 5051,
7 be styled and known as a "certified public accountant" and may

1 also use the abbreviation “C.P.A.” No other person, except a firm
2 registered under this chapter, shall assume or use that title,
3 designation, or abbreviation or any other title, designation, sign,
4 card, or device tending to indicate that the person using it is a
5 certified public accountant.

6 ~~SECTION 1.~~

7 *SEC. 2.* Section 5070.1 of the Business and Professions Code
8 is amended to read:

9 5070.1. (a) The board may establish, by regulation, a system
10 for the placement of a license into a retired status, upon application,
11 for certified public accountants and public accountants who are
12 not actively engaged in the practice of public accountancy or any
13 activity that requires them to be licensed by the board.

14 (b) No licensee with a license in a retired status shall engage in
15 any activity for which a permit is required.

16 (c) The board shall deny an applicant’s application to place a
17 license in a retired status if the permit is subject to an outstanding
18 order of the board, is suspended, revoked, or otherwise punitively
19 restricted by the board, or is subject to disciplinary action under
20 this chapter.

21 (d) (1) The holder of a license that was canceled pursuant to
22 Section 5070.7 may apply for the placement of that license in a
23 retired status pursuant to subdivision (a).

24 (2) Upon approval of an application made pursuant to paragraph
25 (1), the board shall reissue that license in a retired status.

26 (3) The holder of a canceled license that was placed in retired
27 status between January 1, 1994, and January 1, 1999, inclusive,
28 shall not be required to meet the qualifications established pursuant
29 to subdivision (e), but shall be subject to all other requirements of
30 this section.

31 (e) The board shall establish minimum qualifications to place
32 a license in retired status.

33 (f) The board may exempt the holder of a license in a retired
34 status from the renewal requirements described in Section 5070.5.

35 (g) The board shall establish minimum qualifications for the
36 restoration of a license in a retired status to an active status. These
37 minimum qualifications shall include, but are not limited to,
38 continuing education and payment of a fee as provided in
39 subdivision (h) of Section 5134.

(h) The board shall not restore to active or inactive status a license that was canceled by operation of law, pursuant to subdivision (a) of Section 5070.7, and then placed into retired status pursuant to subdivision (d). The individual shall instead apply for a new license, as described in subdivision (c) of Section 5070.7, in order to restore his or her license.

~~SEC. 2.~~

SEC. 3. Section 5087 of the Business and Professions Code is amended to read:

5087. (a) The board may issue a certified public accountant license to any applicant who is a holder of a current, active, and unrestricted certified public accountant license issued under the laws of any state, if the board determines that the standards under which the applicant received the license are substantially equivalent to the standards of education, examination, and experience established under this chapter and the applicant has not committed acts or crimes constituting grounds for denial under Section 480. To be authorized to sign reports on attest engagements, the applicant shall meet the requirements of Section 5095.

(b) The board may in particular cases waive any of the requirements regarding the circumstances in which the various parts of the examination were to be passed for an applicant from another state.

~~SEC. 3.~~

SEC. 4. Section 6735 of the Business and Professions Code is amended to read:

6735. (a) All civil (including structural and geotechnical) engineering plans, calculations, specifications, and reports (hereinafter referred to as “documents”) shall be prepared by, or under the responsible charge of, a licensed civil engineer and shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All civil engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. All final civil engineering calculations and reports shall bear the signature and seal or stamp of the licensee, and the date of signing and sealing or stamping. If civil engineering plans are required to be

1 signed and sealed or stamped and have multiple sheets, the
2 signature, seal or stamp, and date of signing and sealing or
3 stamping shall appear on each sheet of the plans. If civil
4 engineering specifications, calculations, and reports are required
5 to be signed and sealed or stamped and have multiple pages, the
6 signature, seal or stamp, and date of signing and sealing or
7 stamping shall appear at a minimum on the title sheet, cover sheet,
8 or signature sheet.

9 (b) Notwithstanding subdivision (a), a licensed civil engineer
10 who signs civil engineering documents shall not be responsible
11 for damage caused by subsequent changes to or uses of those
12 documents, if the subsequent changes or uses, including changes
13 or uses made by state or local governmental agencies, are not
14 authorized or approved by the licensed civil engineer who
15 originally signed the documents, provided that the engineering
16 service rendered by the civil engineer who signed the documents
17 was not also a proximate cause of the damage.

18 ~~SEC. 4.~~

19 *SEC. 5.* Section 7083 of the Business and Professions Code is
20 amended to read:

21 7083. (a) Notwithstanding any other law, licensees shall notify
22 the registrar, on a form prescribed by the registrar, in writing within
23 90 days of any change to information recorded under this chapter.
24 This notification requirement shall include, but not be limited to,
25 changes in business address, personnel, business name, qualifying
26 individual bond exemption pursuant to Section 7071.9, or
27 exemption to qualify multiple licenses pursuant to Section 7068.1.

28 (b) Failure of the licensee to notify the registrar of any change
29 to information within 90 days shall cause the change to be effective
30 the date the written notification is received at the board's
31 headquarters office.

32 (c) Failure to notify the registrar of the changes within the 90
33 days is grounds for disciplinary action.

34 ~~SEC. 5.~~

35 *SEC. 6.* Section 7200 of the Business and Professions Code is
36 amended to read:

37 7200. (a) There is in the Department of Consumer Affairs a
38 State Board of Guide Dogs for the Blind in whom enforcement of
39 this chapter is vested. The board shall consist of seven members
40 appointed by the Governor. One member shall be the Director of

1 Rehabilitation or his or her designated representative. The
2 remaining members shall be persons who have shown a particular
3 interest in dealing with the problems of persons who are blind or
4 visually impaired and at least two of them shall be persons who
5 are blind or visually impaired who use guide dogs.

6 (b) This section shall remain in effect only until January 1, 2018,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2018, deletes or extends that date.
9 Notwithstanding any other law, the repeal of this section renders
10 the board subject to review by the appropriate policy committees
11 of the Legislature.

12 ~~SEC. 6.~~

13 *SEC. 7.* Section 7200.5 of the Business and Professions Code
14 is amended to read:

15 7200.5. The board shall have exclusive authority in this state
16 to issue licenses for the instruction of persons who are blind or
17 visually impaired in the use of guide dogs and for the training of
18 guide dogs for use by persons who are blind or visually impaired.
19 It shall also have exclusive authority in this state to issue licenses
20 to operate schools for the training of guide dogs and the instruction
21 of persons who are blind or visually impaired in the use of guide
22 dogs.

23 ~~SEC. 7.~~

24 *SEC. 8.* Section 7200.7 of the Business and Professions Code
25 is amended to read:

26 7200.7. A fee equal to no more than 0.005 of all school
27 expenses incurred in the most recently concluded school fiscal
28 year, as specified in the audit required under Section 7217, shall
29 be paid no later than April 30 of each year for renewal of a school's
30 license pursuant to Section 7200.5. The board shall, by regulation,
31 define the exact amount of the fee. All fees collected pursuant to
32 this section shall be deposited into the Guide Dogs for the Blind
33 Fund, which is hereby created.

34 ~~SEC. 8.~~

35 *SEC. 9.* Section 7201 of the Business and Professions Code is
36 amended to read:

37 7201. No person shall be eligible to membership in the board
38 who is a stockholder in, or an owner of, or financially interested
39 directly or indirectly, in any company, organization, or concern

1 supplying, delivering, or furnishing any guide dogs for use by
2 persons who are blind or visually impaired.

3 ~~SEC. 9.~~

4 *SEC. 10.* Section 7202 of the Business and Professions Code
5 is amended to read:

6 7202. Each of the appointed members of the board shall hold
7 office for a term of four years and until his *or her* successor is
8 appointed and qualified or until one year shall have elapsed since
9 the expiration of the term for which he *or she* was appointed,
10 whichever first occurs. No person shall serve as an appointed
11 member of the board for more than two consecutive terms.

12 ~~SEC. 10.~~

13 *SEC. 11.* Section 7208 of the Business and Professions Code
14 is amended to read:

15 7208. Pursuant to the provisions of the Administrative
16 Procedure Act the board may make such rules and regulations as
17 are reasonably necessary to:

18 (a) Govern the procedure of the board.

19 (b) Govern the admission of applicants for examination for
20 license to instruct persons who are blind or visually impaired in
21 the use of guide dogs or to engage in the business of training,
22 selling, hiring, or being in the business of supplying guide dogs
23 for persons who are blind or visually impaired.

24 (c) Govern the operation of schools which furnish guide dogs
25 and train persons who are blind or visually impaired to use guide
26 dogs.

27 (d) The reissuance of licenses.

28 (e) The reexamination of licensees.

29 ~~SEC. 11.~~

30 *SEC. 12.* Section 7209 of the Business and Professions Code
31 is amended to read:

32 7209. A person to be eligible for examination as an instructor
33 must (a) have a knowledge of the special problems of persons
34 who are blind or visually impaired and how to teach them, (b) be
35 able to demonstrate by actual blindfold test under traffic conditions
36 his *or her* ability to train guide dogs with whom persons who are
37 blind or visually impaired would be safe, (c) be suited
38 temperamentally and otherwise to instruct persons who are blind
39 or visually impaired in the use of guide dogs, and (d) have had at
40 least three years' actual experience, comprising such number of

1 hours as the board may require, as an instructor, and have handled
2 22 person-dog units; or its equivalent, as determined by the board,
3 as an apprentice under a licensed instructor or under an instructor
4 in a school satisfactory to the board.

5 ~~SEC. 12.~~

6 *SEC. 13.* Section 7209.5 of the Business and Professions Code
7 is amended to read:

8 7209.5. Except as the context otherwise requires, as used in
9 this chapter the term “instructor” means a person who instructs
10 persons who are blind or visually impaired in the use of guide dogs
11 or who engages in the business of training, selling, hiring, or
12 supplying guide dogs for persons who are blind or visually
13 impaired.

14 ~~SEC. 13.~~

15 *SEC. 14.* Section 7210.5 of the Business and Professions Code
16 is amended to read:

17 7210.5. It is unlawful to solicit funds for any person purporting
18 to provide guide dogs for persons who are blind or visually
19 impaired in this state unless the person for whose benefit the
20 solicitation is made holds a valid and unimpaired license issued
21 by the State Board of Guide Dogs for the Blind.

22 As used in this section “person” means an individual, firm,
23 partnership, association, corporation, limited liability company,
24 or cooperative association.

25 ~~SEC. 14.~~

26 *SEC. 15.* Section 7211.1 of the Business and Professions Code
27 is amended to read:

28 7211.1. (a) As a condition of renewal of an instructor’s license,
29 the instructor shall provide proof of completion of not less than 8
30 hours of continuing education. The board shall determine the form
31 of proof.

32 (b) Continuing education shall meet the criteria specified in
33 Section 166, and shall be in one or more of the following subject
34 matter areas:

- 35 (1) Blindness and mobility.
- 36 (2) Health issues relating to blindness.
- 37 (3) Instructing persons who are blind or visually impaired.
- 38 (4) Care and training of dogs.

1 ~~SEC. 15.~~

2 *SEC. 16.* Section 7211.2 of the Business and Professions Code
3 is amended to read:

4 7211.2. A plea or verdict of guilty or a conviction following a
5 plea of nolo contendere is deemed to be a conviction within the
6 meaning of this article. The board may order the license suspended
7 or revoked, or may decline to issue a license, when the time for
8 appeal has elapsed, or the judgment of conviction has been affirmed
9 on appeal or when an order granting probation is made suspending
10 the imposition of sentence, irrespective of a subsequent order under
11 the provisions of Section 1203.4 of the Penal Code allowing such
12 person to withdraw his or her plea of guilty and to enter a plea of
13 not guilty, or setting aside the verdict of guilty, or dismissing the
14 accusation, ~~information~~ information, or indictment.

15 ~~SEC. 16.~~

16 *SEC. 17.* Section 7215 of the Business and Professions Code
17 is amended to read:

18 7215. No person shall sell, give, or furnish any guide dog to a
19 person who is blind or visually impaired unless the following
20 requirements have been met:

- 21 (a) The dog has been immunized against distemper and rabies.
22 (b) The dog has been spayed or neutered.
23 (c) The dog has been examined by a licensed veterinarian and
24 found to be in good health.

25 A certificate from a veterinarian certifying to the foregoing shall
26 be delivered to the recipient of the dog at the time the dog is
27 assigned to a client.

28 ~~SEC. 17.~~

29 *SEC. 18.* Section 7215.5 of the Business and Professions Code
30 is amended to read:

31 7215.5. (a) During the first year following the successful
32 training of each person-dog unit, and release from a guide dog
33 training school of the trained person supplied with a guide dog,
34 the school may retain title to the trained dog. During this
35 probationary year, the school may enter into a contractual
36 agreement with the user of the dog describing the conditions under
37 which the user may maintain the status of legal custodian of the
38 dog. During the probationary year, the school, acting in what it
39 deems to be the best interest of the user, the dog, or the public,
40 may temporarily or permanently resume possession of the dog.

1 ~~Within~~

2 (b) *Within* 15 days after the end of each fiscal year, each
3 licensed school shall report to the board the following:

4 (1) The number of dog ownership titles transferred to dog users
5 pursuant to this section during the calendar year.

6 (2) The number of title recoveries and repossessions made by
7 the school pursuant to this section during the calendar year.

8 (3) The number, type, and amount of charges assessed for
9 followup training, instruction, veterinary, or boarding services,
10 pursuant to this section, which make a distinction between users
11 who have acquired title to their dogs and users who have not
12 acquired title.

13 (4) The views of the governing entity of the school as to any
14 problems or concerns relative to compliance with the provisions
15 of this section, along with recommendations for appropriate
16 legislative or administrative changes commensurate with the
17 purposes of this section.

18 ~~Immediately~~

19 (c) *Immediately* upon completion of the first year following the
20 successful training referred to above, if the training school and the
21 dog user are mutually satisfied with the operation of the person-dog
22 unit, title to the dog shall be transferred to the user who is blind
23 or visually impaired if the user so desires. Transfer of title shall
24 be evidenced by a transfer of title agreement executed by both
25 parties thereto. The school may retain an option to recover title
26 and possession to the guide dog subject to conditions described in
27 the transfer of title agreement. These conditions may include, but
28 are not limited to, the following:

29 (1) If in the school's opinion, the guide dog is being misused
30 or neglected or mistreated by its user who is blind or visually
31 impaired.

32 (2) If the user to whom the dog was furnished has ceased to use
33 the dog as a guide and the dog is not too old to be retrained as a
34 guide for another person who is blind or visually impaired.

35 (3) If, in the school's opinion, the dog is no longer a safe guide
36 and the user refuses to cease using the dog as a guide after being
37 requested by the school to cease this use.

38 ~~The~~

39 (d) *The* guide dog school shall make no distinction as to the
40 quality or extent of followup or supportive services available to

1 its blind graduates based on whether they elect to acquire title to
2 their dogs or allow title to remain with the school after the
3 probationary year. The school may, however, make this distinction
4 when assessing reasonable and appropriate charges for followup
5 training, instruction, veterinary, or boarding services.

6 ~~No~~

7 (e) No applicant for admission to a guide dog training school,
8 nor any enrolled student, shall be required by the school prior to
9 completion of his or her training to sign any instrument or to
10 announce his or her intention regarding transfer of title of the dog
11 from the school to himself or herself upon completion of the
12 training and probation period.

13 ~~SEC. 18.~~

14 SEC. 19. Section 7217 of the Business and Professions Code
15 is amended to read:

16 7217. (a) Within 60 days after the termination of the fiscal
17 year of a school, there shall be furnished to the board the following:

18 (1) A list of students accepted for training and those who have
19 completed training.

20 (2) A list of the number of dogs trained.

21 (b) Within 90 days after the end of a fiscal year, there shall be
22 furnished to the board an independent audit of the school's finances
23 by a certified public accountant licensed by this state.

24 ~~SEC. 19.~~

25 SEC. 20. Section 7685 of the Business and Professions Code
26 is amended to read:

27 7685. (a) (1) Every funeral director shall provide to any
28 person, upon beginning discussion of prices or of the funeral goods
29 and services offered, a written or printed list containing, but not
30 necessarily limited to, the price for professional services offered,
31 which may include the funeral director's services, the preparation
32 of the body, the use of facilities, and the use of automotive
33 equipment. All services included in this price or prices shall be
34 enumerated. The funeral director shall also provide a statement on
35 that list that gives the price range for all caskets offered for sale.

36 (2) The list shall also include a statement indicating that the
37 survivor of the deceased who is handling the funeral arrangements,
38 or the responsible party, is entitled to receive, prior to the drafting
39 of any contract, a copy of any preneed agreement that has been

1 signed and paid for, in full or in part, by or on behalf of the
2 deceased, and that is in the possession of the funeral establishment.

3 (3) The funeral director shall also provide a written statement
4 or list that, at a minimum, specifically identifies a particular casket
5 or caskets by price and by thickness of metal, or type of wood, or
6 other construction, interior and color, in addition to other casket
7 identification requirements under Part 453 of Title 16 of the Code
8 of Federal Regulations and any subsequent version of this
9 regulation, when a request for specific information on a casket or
10 caskets is made in person by any individual. Prices of caskets and
11 other identifying features such as thickness of metal, or type of
12 wood, or other construction, interior and color, in addition to other
13 casket identification requirements required to be given over the
14 telephone by Part 453 of Title 16 of the Code of Federal
15 Regulations and any subsequent version of this regulation, shall
16 be provided over the telephone, if requested.

17 (b) (1) Each licensed funeral establishment that maintains an
18 Internet Web site shall post on its Internet Web site the list of
19 funeral goods and services that are required to be included in the
20 establishment's general price list, pursuant to federal rule, and a
21 statement that the general price list is available upon request.

22 (2) Information posted pursuant to paragraph (1) shall be
23 provided by a link from the homepage of the Internet Web site
24 with a word or combination of words, including, but not limited
25 to, "goods," "merchandise," "products," or "services."

26 (3) An establishment that posts on its Internet Web site home
27 page the words "price information" or a similar phrase that includes
28 the word "price," with a link that leads to the establishment's
29 general price list, need not comply with paragraphs (1) or (2).

30 (4) Nothing in this subdivision shall be construed to affect an
31 establishment's obligations under federal or state law effective
32 prior to January 1, 2013.

33 (5) This subdivision shall become operative on January 1, 2013.

34 *SEC. 21. Section 7818 of the Business and Professions Code*
35 *is amended to read:*

36 7818. The board, pursuant to the provisions contained in
37 Chapter ~~4.5~~ 3.5 (commencing with Section ~~11371~~ 11340) of Part
38 1 of Division 3 of Title 2 of the Government Code, may adopt,
39 amend or repeal rules and regulations to carry out the provisions
40 of this chapter.

~~SEC. 20.~~

SEC. 22. Section 8508 of the Business and Professions Code is amended to read:

8508. “Household” means any structure and its contents that are used for persons and their convenience.

~~SEC. 21.~~

SEC. 23. Section 8513 of the Business and Professions Code is amended to read:

8513. (a) The board shall prescribe a form entitled “Notice to Owner” that shall describe, in nontechnical language and in a clear and coherent manner using words with common and everyday meaning, the pertinent provisions of this state’s mechanics lien laws and the rights and responsibilities of an owner of property and a registered pest control company thereunder. Each company registered under this chapter, prior to entering into a contract with an owner for work for which a company registration is required, shall give a copy of this “Notice to Owner” to the owner, his or her agent, or the payer.

(b) No company that is required to be registered under this chapter shall require or request a waiver of lien rights from any subcontractor, employee, or supplier.

(c) Each company registered under this chapter that acts as a subcontractor for another company registered under this chapter shall, within 20 days of commencement of any work for which a company registration is required, give the preliminary notice in accordance with Chapter 2 (commencing with Section 8200) of Title 2 of Part 6 of Division 4 of the Civil Code, to the owner, his or her agent, or the payer.

(d) Each company registered under this chapter that acts as a prime contractor for work for which a company registration is required shall, prior to accepting payment for the work, furnish to the owner, his or her agent, or the payer a full and unconditional release from any claim of mechanics lien by any subcontractor entitled to enforce a mechanics lien pursuant to Section 8410 of the Civil Code.

(e) Each company registered under this chapter that subcontracts to another company registered under this chapter work for which a company registration is required shall furnish to the subcontractor the name of the owner, his or her agent, or the payer.

(f) A violation of the provisions of this section is a ground for disciplinary action.

~~SEC. 22.~~

SEC. 24. Section 8516.5 of the Business and Professions Code is repealed.

~~SEC. 23.~~

SEC. 25. Section 8552 of the Business and Professions Code is amended to read:

8552. It is unlawful for any person to advertise or represent in any manner that any pest control work, in whole or in part, has been done upon any structure, unless the work has been performed by a registered company, except as otherwise provided in this chapter.

~~SEC. 24.~~

SEC. 26. Section 8611 of the Business and Professions Code is amended to read:

8611. (a) Each branch office shall have a branch supervisor designated by the registered company to supervise and assist the company's employees who are located at that branch. The branch supervisor shall be an individual who is licensed by the board as an operator or a field representative in the branch or branches of business being conducted and his or her license shall be prominently displayed in the branch office.

(b) If a branch supervisor ceases for any reason to be connected with a registered company, the company shall notify the registrar in writing within 10 days from that cessation. If this notice is given, the company's branch office registration shall remain in force for a reasonable length of time to be determined by rules of the board, during which period the company shall submit to the registrar in writing the name of another qualified branch supervisor.

~~SEC. 25.~~

SEC. 27. Section 17913 of the Business and Professions Code is amended to read:

17913. (a) The fictitious business name statement shall contain all of the information required by this subdivision and shall be substantially in the following form:

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as

* _____

1 at ** _____:

2 ***

6 This business is conducted by ****

7 The registrant commenced to transact business under the fictitious business
8 name or names listed above on

9 *****

10 I declare that all information in this statement is true and correct. (A registrant
11 who declares as true any material matter pursuant to Section 17913 of the
12 Business and Professions Code that the registrant knows to be false is guilty
13 of a misdemeanor punishable by a fine not to exceed one thousand dollars
14 (\$1,000).)

15 Registrant signature _____

16 Statement filed with the County Clerk of _____ County on _____

17
18 NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF
19 SECTION 17920, A FICTITIOUS NAME STATEMENT
20 GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM
21 THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF
22 THE COUNTY CLERK, EXCEPT, AS PROVIDED IN
23 SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES
24 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH
25 IN THE STATEMENT PURSUANT TO SECTION 17913
26 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS
27 OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS
28 NAME STATEMENT MUST BE FILED BEFORE THE
29 EXPIRATION.

30 THE FILING OF THIS STATEMENT DOES NOT OF ITSELF
31 AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS
32 BUSINESS NAME IN VIOLATION OF THE RIGHTS OF
33 ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW
34 (SEE SECTION 14411 ET SEQ., BUSINESS AND
35 PROFESSIONS CODE).

36
37 (b) The fictitious business name statement shall contain the
38 following information set forth in the manner indicated in the form
39 provided by subdivision (a):

1 (1) Where the asterisk (*) appears in the form, insert the
2 fictitious business name or names. Only those businesses operated
3 at the same address and under the same ownership may be listed
4 on one fictitious business name statement.

5 (2) Where the two asterisks (**) appear in the form: If the
6 registrant has a place of business in this state, insert the street
7 address, and county, of his or her principal place of business in
8 this state. If the registrant has no place of business in this state,
9 insert the street address, and county, of his or her principal place
10 of business outside this state.

11 (3) Where the three asterisks (***) appear in the form: If the
12 registrant is an individual, insert his or her full name and residence
13 address. If the registrants are a married couple, insert the full name
14 and residence address of both parties to the marriage. If the
15 registrant is a general partnership, copartnership, joint venture, or
16 limited liability partnership, insert the full name and residence
17 address of each general partner. If the registrant is a limited
18 partnership, insert the full name and residence address of each
19 general partner. If the registrant is a limited liability company,
20 insert the name and address of the limited liability company, as
21 set out in its articles of organization on file with the California
22 Secretary of State, and the state of organization. If the registrant
23 is a trust, insert the full name and residence address of each trustee.
24 If the registrant is a corporation, insert the name and address of
25 the corporation, as set out in its articles of incorporation on file
26 with the California Secretary of State, and the state of
27 incorporation. If the registrants are state or local registered
28 domestic partners, insert the full name and residence address of
29 each domestic partner. If the registrant is an unincorporated
30 association other than a partnership, insert the name of each person
31 who is interested in the business of the association and whose
32 liability with respect to the association is substantially the same
33 as that of a general partner.

34 (4) Where the four asterisks (****) appear in the form, insert
35 whichever of the following best describes the nature of the
36 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a
37 limited partnership,” (iv) “a limited liability company,” (v) “an
38 unincorporated association other than a partnership,” (vi) “a
39 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “a married

1 couple,” (x) “joint venture,” (xi) “state or local registered domestic
2 partners,” or (xii) “a limited liability partnership.”

3 (5) Where the five asterisks (*****) appear in the form, insert
4 the date on which the registrant first commenced to transact
5 business under the fictitious business name or names listed, if
6 already transacting business under that name or names. If the
7 registrant has not yet commenced to transact business under the
8 fictitious business name or names listed, insert the statement, “Not
9 applicable.”

10 (c) The registrant shall declare that all of the information in the
11 fictitious business statement is true and correct. A registrant who
12 declares as true any material matter pursuant to this section that
13 the registrant knows to be false is guilty of a misdemeanor
14 punishable by a fine not to exceed one thousand dollars (\$1,000).

15 (d) (1) At the time of filing of the fictitious business name
16 statement, the registrant filing on behalf of the registrant shall
17 present personal identification in the form of a California driver’s
18 license or other government identification acceptable to the county
19 clerk to adequately determine the identity of the registrant filing
20 on behalf of the registrant as provided in subdivision (e) and the
21 county clerk may require the registrant to complete and sign an
22 affidavit of identity.

23 (2) In the case of a registrant utilizing an agent for submission
24 of the registrant’s fictitious business name statement for filing, at
25 the time of filing of the fictitious business name statement, the
26 agent filing on behalf of the registrant shall present personal
27 identification in the form of a California driver’s license or other
28 government identification acceptable to the county clerk to
29 adequately determine the identity of the agent filing on behalf of
30 the registrant as provided in subdivision (e). The county clerk may
31 also require the agent to submit a notarized statement signed by
32 the registrant declaring the registrant has authorized the agent to
33 submit the filing on behalf of the registrant.

34 (e) If the registrant is a corporation, a limited liability company,
35 a limited partnership, or a limited liability partnership, the county
36 clerk may require documentary evidence issued by the California
37 Secretary of State and deemed acceptable by the county clerk,
38 indicating the current existence and good standing of that business
39 entity to be attached to a completed and notarized affidavit of
40 identity, for purposes of subdivision (d).

(f) The county clerk may require a registrant that mails a fictitious business name statement to a county clerk's office for filing to submit a completed and notarized affidavit of identity. A registrant that is a corporation, limited liability company, limited partnership, or limited liability partnership, if required by the county clerk to submit an affidavit of identity, shall also submit documentary evidence issued by the California Secretary of State indicating the current existence and good standing of that business entity.

(g) A county clerk that chooses to establish procedures pursuant to this section shall prescribe the form of affidavit of identity for filing by a registrant in that county.

~~SEC. 26.~~

SEC. 28. Section 13995.40 of the Government Code is amended to read:

13995.40. (a) Upon approval of the initial referendum, the office shall establish a nonprofit mutual benefit corporation named the California Travel and Tourism Commission. The commission shall be under the direction of a board of commissioners, which shall function as the board of directors for purposes of the Nonprofit Corporation Law.

(b) The board of commissioners shall consist of 37 commissioners comprising the following:

(1) The director, who shall serve as chairperson.

(2) (A) Twelve members, who are professionally active in the tourism industry, and whose primary business, trade, or profession is directly related to the tourism industry, shall be appointed by the Governor. Each appointed commissioner shall represent only one of the 12 tourism regions designated by the office, and the appointed commissioners shall be selected so as to represent, to the greatest extent possible, the diverse elements of the tourism industry. Appointed commissioners are not limited to individuals who are employed by or represent assessed businesses.

(B) If an appointed commissioner ceases to be professionally active in the tourism industry or his or her primary business, trade, or profession ceases to be directly related to the tourism industry, he or she shall automatically cease to be an appointed commissioner 90 days following the date on which he or she ceases to meet both of the eligibility criteria specified in subparagraph

1 (A), unless the commissioner becomes eligible again within that
2 90-day period.

3 (3) Twenty-four elected commissioners, including at least one
4 representative of a travel agency or tour operator that is an assessed
5 business.

6 (c) The commission established pursuant to Section 15364.52
7 shall be inoperative so long as the commission established pursuant
8 to this section is in existence.

9 (d) Elected commissioners shall be elected by industry category
10 in a referendum. Regardless of the number of ballots received for
11 a referendum, the nominee for each commissioner slot with the
12 most weighted votes from assessed businesses within that industry
13 category shall be elected commissioner. In the event that an elected
14 commissioner resigns, dies, or is removed from office during his
15 or her term, the commission shall appoint a replacement from the
16 same industry category that the commissioner in question
17 represented, and that commissioner shall fill the remaining term
18 of the commissioner in question. The number of commissioners
19 elected from each industry category shall be determined by the
20 weighted percentage of assessments from that category.

21 (e) The director may remove any elected commissioner
22 following a hearing at which the commissioner is found guilty of
23 abuse of office or moral turpitude.

24 (f) (1) The term of each elected commissioner shall commence
25 July 1 of the year next following his or her election, and shall
26 expire on June 30 of the fourth year following his or her election.
27 If an elected commissioner ceases to be employed by or with an
28 assessed business in the category and segment which he or she
29 was representing, his or her term as an elected commissioner shall
30 automatically terminate 90 days following the date on which he
31 or she ceases to be so employed, unless, within that 90-day period,
32 the commissioner again is employed by or with an assessed
33 business in the same category and segment.

34 (2) Terms of elected commissioners that would otherwise expire
35 effective December 31 of the year during which legislation adding
36 this subdivision is enacted shall automatically be extended until
37 June 30 of the following year.

38 (g) With the exception of the director, no commissioner shall
39 serve for more than two consecutive terms. For purposes of this

1 subdivision, the phrase “two consecutive terms” shall not include
2 partial terms.

3 (h) Except for the original commissioners, all commissioners
4 shall serve four-year terms. One-half of the commissioners
5 originally appointed or elected shall serve a two-year term, while
6 the remainder shall serve a four-year term. Every two years
7 thereafter, one-half of the commissioners shall be appointed or
8 elected by referendum.

9 (i) The selection committee shall determine the initial slate of
10 candidates for elected commissioners. Thereafter the
11 commissioners, by adopted resolution, shall nominate a slate of
12 candidates, and shall include any additional candidates complying
13 with the procedure described in Section 13995.62.

14 (j) The commissioners shall elect a vice chairperson from the
15 elected commissioners.

16 (k) The commission may lease space from the office.

17 (l) The commission and the office shall be the official state
18 representatives of California tourism.

19 (m) (1) All commission meetings shall be held in California.

20 (2) Commissioners may participate in meetings by means of
21 conference telephone and other technology, as authorized pursuant
22 to paragraph (6) of subdivision (a) of Section 7211 of the
23 Corporations Code. *technology.*

24 (n) No person shall receive compensation for serving as a
25 commissioner, but each commissioner shall receive reimbursement
26 for reasonable expenses incurred while on authorized commission
27 business.

28 (o) Assessed businesses shall vote only for commissioners
29 representing their industry category.

30 (p) Commissioners shall comply with the requirements of the
31 Political Reform Act of 1974 (Title 9 (commencing with Section
32 81000)). The Legislature finds and declares that commissioners
33 appointed or elected on the basis of membership in a particular
34 tourism segment are appointed or elected to represent and serve
35 the economic interests of those tourism segments and that the
36 economic interests of these members are the same as those of the
37 public generally.

38 (q) Commission meetings shall be subject to the requirements
39 of the Bagley-Keene Open Meeting Act (Article 9 (commencing
40 with Section 11120) of Chapter 1 of Part 1).

1 (r) The executive director of the commission shall serve as
2 secretary to the commission, a nonvoting position, and shall keep
3 the minutes and records of all commission meetings.

4 ~~SEC. 27.~~

5 *SEC. 29.* No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.